

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Clerk's Minutes
Before the Honorable James O. Browning

CASE NO. No. CIV 95-0024 JB/KBM **DATE:** 11/6/2023

TITLE: *McClendon, et al. v. City of Albuquerque, et al.*

COURTROOM CLERK: L. Rotonda **COURT REPORTER:** J. Bean

COURT IN SESSION: 1:58 PM **TOTAL TIME:** 0:50

TYPE OF PROCEEDING: MOTION HEARING

COURT RULING/DISPOSITION:

1. PLAINTIFFS' AND PLAINTIFF-INTERVENORS' EXPEDITED MOTION TO VACATE HEARING AND SET SCHEDULING CONFERENCE ON UNM'S MOTION TO MODIFY ORDERS [[1676](#)] – GRANTED IN PART, DENIED IN PART.

ATTORNEYS PRESENT FOR PLAINTIFF(S): **ATTORNEYS PRESENT FOR DEFENDANT(S):**

Alexandra Smith
Katherine Loewe

Debra Moulton
Taylor Rahn
Ken Martinez
Mark Riley

PROCEEDINGS:

COURT IN SESSION: 1:58 PM

COURT: CALLS CASE, COUNSEL ENTER APPEARANCES.

MS. SMITH: ARGUES IN SUPPORT OF PLAINTIFFS' AND PLAINTIFF-INTERVENORS' EXPEDITED MOTION TO VACATE HEARING AND SET SCHEDULING CONFERENCE ON UNM'S MOTION TO MODIFY ORDERS (DOC. [1676](#)).

MR. RILEY: ARGUES IN OPPOSITION TO MOTION.

MS. LOEWE: ADDRESSES COURT REGARDING MOTION.

MR. RILEY: RESPONDS TO REPRESENTATIONS, PROVIDES CLARIFICATION AS TO PURPOSE OF PROFFERED WITNESSES UNMH WISHES TO CALL.

Ms. SMITH: ARGUES IN REBUTTAL AS TO MOTION.

Ms. RAHN: ADDRESSES COURT TO CONFIRM COUNTY'S POSITION AS TO REQUESTED RELIEF.

Ms. LOEWE: ADDRESSES COURT REGARDING REQUEST THAT COURT ORDER DISCOVERY.

COURT: INDICATES COURT IS RELUCTANT TO VACATE HEARING, WILL KEEP IN PLACE. IF PARTIES THINK DISCOVERY IS NEEDED, WILL PERMIT BUT WILL NOT DELAY HEARING FOR THIS PURPOSE.

QUERIES COUNSEL FOR PLAINTIFFS AS TO WHEN THEY WOULD LIKE TO FILE RESPONSE.

Ms. SMITH: INQUIRES ABOUT POSSIBILITY OF HAVING HEARING ON LIMITED SCOPE OF ISSUES PRESENTED IN INITIAL MOTION.

COURT: PROPOSES THAT COUNSEL FILE RESPONSE TOMORROW, AND BE PERMITTED TO FILE SUPPLEMENTAL BRIEFING AT LATER POINT.

Ms. SMITH: CONFIRMS AGREEMENT TO SAME, REQUESTS EXTENSION OF PAGE LIMITS FOR BRIEFING AND EXHIBITS.

Mr. RILEY: AGREES TO SAME, WOULD ASK FOR SIMILAR AGREEMENT AS TO REPLY.

Ms. SMITH: AGREES TO SAME.

COURT IN RECESS: 2:48 PM